

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO: 12949 of 2005

Between:

Chinnaprolu Durgamma W/o.Krishnaiah
R/o.Sanjaynagar Colony, Nalgonda, Nalgonda District.

..... PETITIONER

A N D

- 1 The Government of Andhra Pradesh rep by Secretary
Municipal Administration Department Secretariat, Hyderabad.
- 2 The Commissioner Town Planning A.P.Hyderabad.
- 3 The Commissioner Nalgonda Municipality Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declare the action of the respondents in proposing to dismantle the property of the petitioner bearing No.7-8-140 situated at Sanjaynagar Colony, Nalgonda without issuing any notice, as illegal, arbitrary, contrary to the provisions of Municipalities Act apart from violative of Principles of natural justice consequently to direct the respondents not to proceed with the dismantling the property bearing No.7-8-140, situated at Sanjaynagar Colony Nalgonda allowing the petitioner to live peacefully in the above said premises.

Counsel for the Petitioner: MR.D.SHASHIDHAR

Counsel for the Respondents: MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

The Court at the stage of admission made the following: (order follows 2nd page)

ORDER :

This writ petition is filed seeking to declare the action of the respondents in proposing to dismantle the property of the petitioner bearing No.7-8-140, situate at Sanjaynagar colony, Nalgonda, Nalgonda district without issuing any notice, as illegal, arbitrary, contrary to the provisions of Municipalities Act apart from violative of the principles of natural justice and consequently direct the respondents not to proceed with dismantling the aforesaid property and allow the petitioner to live peacefully in the above said premises.

Heard the learned counsel for the petitioner as well as the learned standing counsel for the respondents.

It appears that when the petitioner constructed rooms on the roadside the Municipal authorities resorted to demolish only compound wall. In the circumstances, taking into consideration the rival contentions, I deem it appropriate to direct the respondents to follow due process of law in case any further new construction is made.

The writ petition is accordingly disposed of. No costs.

JUNE 17th, 2005. -----

I S L. ELIPE DHARMA RAO, J.

To

1 The Secretary, Government of Andhra Pradesh, Municipal

Administration Department Secretariat, Hyderabad.

2 The Commissioner Town Planning A.P.Hyderabad.

3 The Commissioner Nalgonda Municipality Nalgonda District.

4 Two CD Copies.

5 1 CC to MR.POLISETTI RADHAKRISHNA (SC FOR MPL)